

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC., A)	
DELAWARE CORPORATION, FOR ISSUANCE OF)	
A CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A PERSONAL)	CASE NO.
COMMUNICATIONS SERVICES FACILITY IN B-263)	99-233-UAC
BASIC TRADING AREA (THE L-KY-047-115)	
FACILITY))	

O R D E R

On July 2, 1999, Powertel/Kentucky, Inc. ("Powertel/Kentucky") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 342 Fultz Road, Elizabethtown, Hardin County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 38' 16.13" by West Longitude 85° 49' 41.38".

Powertel/Kentucky has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987, Powertel/Kentucky has submitted a uniform application to the Hardin County Planning and Development Commission (Planning Commission). The Planning Commission approved the application. Powertel/Kentucky has filed applications

with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications are pending.

Powertel/Kentucky has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. The Commission received comments and two property owners requested and were granted intervention. One intervenor later withdrew his objections. The Commission scheduled a public hearing, explaining in its Order that, absent written notice that a party would attend the hearing to present evidence opposing the construction, the hearing would be cancelled. No party having filed notice of its intent to attend the hearing, the hearing was cancelled and the matter submitted to the Commission for a decision.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Powertel/Kentucky should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Powertel/Kentucky.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Powertel/Kentucky has demonstrated that a facility is

necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Powertel/Kentucky is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 342 Fultz Road, Elizabethtown, Hardin County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 38' 16.13" by West Longitude 85° 49' 41.38".

2. Powertel/Kentucky shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Powertel/Kentucky shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 13th day of December, 1999.

By the Commission

ATTEST:

Executive Director